



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,424	03/17/2000	Rolf Kohler	10191/1333	4178

26646 7590 06/18/2004

KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER
----------

MCLEAN MAYO, KIMBERLY N

ART UNIT	PAPER NUMBER
----------	--------------

2187

DATE MAILED: 06/18/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

2

## Office Action Summary

Application No.

09/527,424

Applicant(s)

KOHLER ET AL.

Examiner

Kimberly N. McLean-Mayo

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The enclosed detailed action is in response to the Amendment submitted on April 5, 2004.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-12, 14-24, 26-27 and 29-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukumoto (USPN: 6,000,004).

Regarding claims 1, 3, 6, 8, 12, 16-17, 19, 24-27 and 29-32, Fukumoto discloses a method of programming information in a memory arrangement of a computer, comprising providing an identifier (Figure 1, comprised of References 1a,1b in each block) into an area of the memory arrangement (block) that is to be programmed, the identifier identifying a correct programming memory arrangement (C 10, L 66-67; C 11, L 1-5, L 12-16; C 12, L 40-46); and altering the identifier in the memory arrangement before programming the information (C 13, L 64-67; C 14, L 1-15 – the identifier is altered via the altering of BP during a previous erase or program operation before a current erasing or programming of information).

Art Unit: 2187

Regarding claims 4-5 and 14-15, Fukumoto discloses entering the identifier into a further area of the memory arrangement (Figure 2), the further area being erased and/or programmed only after erasing and/or programming of the area (C 14, L 37-57).

Regarding claims 7 and 19, Fukumoto discloses altering the identifier so that the identifier is unidentifiable (C 13, L 64-67; C 14, L 1-15 the identifier is erased and is therefore, unidentifiable).

Regarding claims 9 and 21, Fukumoto discloses checking the identifier after at least one of (a) an interruption [abnormal end] on at least one of erasing and programming and (b) at least one of erasing and programming the memory arrangement (C 18, L 12-29 – when an abnormal end occurs, the identifier is checked to see if EC has been set [written] and if not a re-erase is performed).

Regarding claims 10 and 22, Fukumoto disclose storing the interruption with a flag in the memory arrangement (Figure 2, Reference VPPS; C 14, L 58-60 – causes an abnormal end since it causes an operation to stop because of an abnormal decrease in the power supply voltage.)

Regarding claims 11 and 23, Fukumoto discloses checking and analyzing at least one of the identifier and the flag before at least one of erasing and programming (C 15, L 9-22).

Art Unit: 2187

Regarding claim 18, Fukumoto discloses selecting the identifier as at least one section of a predetermined length (C 16, L 32-46).

Regarding claims 33-34, Fukumoto discloses providing an identifier into an area of the memory arrangement that is to be erased, the identifier identifying a correct erasing of the memory arrangement (C 11, L 7-11); and altering the identifier in the memory arrangement before erasing the information (C 13, L 64-67; C 14, L 1-15 – the identifier is altered via the altering of BP during a previous erase or program operation before a current erasing or programming of information).

Regarding claims 35 and 37, Fukumoto discloses providing an identifier (BP) into an area of memory that is to be erased and programmed, the identifier identifying a correct erasing and programming of the memory arrangement (C 10, L 66-67; C 11, L 1-5, L 12-16; C 12, L 40-46); altering the identifier in the memory arrangement before erasing and programming the information (C 13, L 64-67; C 14, L 1-15 – the identifier is altered via the altering of BP during a previous erase or program operation before a current erasing or programming of information).

Regarding claims 36 and 38, Fukumoto disclose selecting an identifier from the information entered into an area of the memory to be reprogrammed (the identifier is selected when the identifier bits are set or cleared, the identifier [BP] identifying a correct erasing and programming of the memory arrangement (C 10, L 66-67; C 11, L 1-5, L 12-16; C 12, L 40-46).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 13, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumoto (USPN: 6,000,004).

Fukumoto discloses the limitations cited above in claims 1, 12, 24 and 27, however, Fukumoto does not disclose a computer control unit in a motor vehicle having the memory arrangement of claim 1. However, it is well known in the art to use memory devices in a computer control unit in a motor vehicle. The features taught by Fukumoto provide memory protection to prevent unintentional erasures or programming of data. Hence, it would have been obvious to one of ordinary skill in the art to use the memory arrangement having the above features in a computer control unit in a motor vehicle for the desirable purpose of providing data protection, accuracy and reliability.

***Response to Arguments***

6. Applicant's arguments filed have been fully considered but they are not persuasive.

The block protect indicator taught by Fukumoto indicates a correct programming and erasing area by indicating that programming and erasing is allowed to the corresponding region (C 11, L 7-11).

The claim language states, "altering the identifier before erasing and/or programming the memory. The above rejection indicates that an identifier is altered during a previous erase and/or programming operation, which occurs before a current erase and/or programming operation. Hence, the identifier is altered before erasing and/or programming the memory arrangement.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

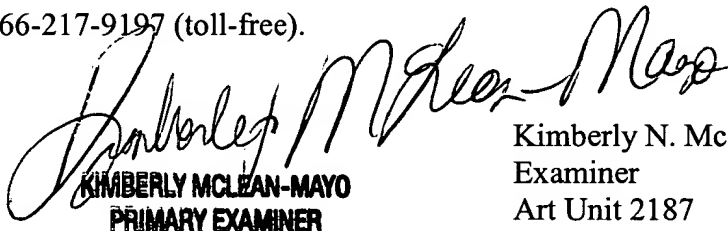
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly N. McLean-Mayo whose telephone number is 703-308-9592. The examiner can normally be reached on M (10:00 - 6:30); Tues, Thr (10:00 - 4:00).

Art Unit: 2187

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 703-308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**KIMBERLY MCLEAN-MAYO**  
**PRIMARY EXAMINER**

Kimberly N. McLean-Mayo  
Examiner  
Art Unit 2187

KNM

June 13, 2004